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7 UNITED STATES DISTRICT COURT

8 NORTHERN DISTRICT OF CALIFORNIA

9
10 UNITED STATES OF AMERICA,)
11 Plaintiff,) No. CR 3-06-70819 BZ
12 v.) **DETENTION ORDER**
13 JERONIMO MADRIZ-REYNA,)
14 Defendant.)
15 _____)

16 This matter came before the Court on December 29, 2006,
17 for a detention hearing. The defendant, Jeronimo Madriz-
18 Reyna, was present and represented by H. Ernesto Castillo.
19 Assistant United States Attorney Dennis Nerney appeared for
20 the United States of America.

21 Pretrial Services submitted a report that recommended
22 detention. Proffers and arguments regarding detention were
23 submitted by the parties at the hearing.

24 Having considered the parties' proffers and the Pretrial
25 Services Report, I find that the government has met its burden
26 of showing by a preponderance of the evidence that the
27 defendant is a flight risk, and that no conditions of release
28 will reasonably assure his appearance. In so finding, I have

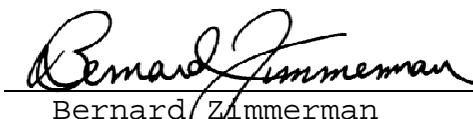
1 considered the following factors:

- 2 1. Given that defendant faces charges of violating 21
3 U.S.C. 841(a)(1) and (b)(1)(A)(viii) and 21 U.S.C.
4 846, it is presumed, subject to rebuttal, that "no
5 condition or combination of conditions will
6 reasonably assure the appearance of the person as
7 required and the safety of the community." See 18
8 U.S.C. §§ 3142(e) & (g)(1). Defendant failed to
9 submit evidence to dispel the presumption as to
10 flight risk.
- 11 2. The defendant is charged with offenses that carry
12 substantial minimum and maximum sentences, giving
13 defendant an incentive to flee.
- 14 3. Although defendant demonstrated some ties to the
15 community, he maintains substantial ties to Mexico.
- 16 4. Defendant's apparent and unexplained wealth suggests
17 he may have the means to finance flight.
- 18 5. Defendant's education and employment history suggest
19 that his apparent wealth may be a product of ill-
20 gotten gain.
- 21 6. The evidence against him is strong, and given the
22 nature of the offense and his legal status, he may
23 be deported to Mexico if convicted.
- 24 7. Defendant's proposal to post a number of properties
25 owned by him and by another individual does not
26 assure me that he will not flee given the limited
27 amount of equity in the properties and given the
28 fact that several are rental properties.

1 Therefore, **IT IS HEREBY ORDERED** that:

- 2 1. The defendant be, and hereby is, committed to the
3 custody of the Attorney General for a confinement in
4 a corrections facility separate, to the extent
5 practicable, from persons awaiting or serving
6 sentences or being held in custody pending appeal;
7 2. The defendant be afforded reasonable opportunity for
8 private consultation with his counsel; and
9 3. On order of a court of the United States or on
10 request of an attorney for the government, the
11 person in charge of the corrections facility in
12 which the defendant is confined shall deliver the
13 defendant to an authorized Deputy United States
14 Marshal for the purpose of any appearance in
15 connection with a court proceeding.

16 Dated: January 3, 2007

17 
18 Bernard Zimmerman
United States Magistrate Judge

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